

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, et al.,

*Plaintiffs,*

v.

JETBLUE AIRWAYS CORPORATION and  
SPIRIT AIRLINES, INC.,

*Defendants.*

Civil Action No. 1:23-cv-10511-WGY

**JETBLUE AIRWAYS CORPORATION AND SPIRIT AIRLINES, INC.’S  
NOTICE REGARDING PLAINTIFFS’ MOTION FOR LEAVE TO FILE OPPOSITION  
TO DEFENDANTS’ MOTION TO SEAL CERTAIN TRIAL EXHIBITS**

Defendants JetBlue Airways Corporation (“JetBlue”) and Spirit Airlines, Inc. (“Spirit”) (collectively, “Defendants”) filed a Motion to Seal Certain Trial Exhibits (ECF No. 291) (the “Motion”) on October 10, 2023, which the Court granted yesterday, October 11, 2023 (ECF No. 293). Plaintiffs have now filed a motion for leave to file an opposition to reiterate what is already reflected in the Motion (ECF No. 291-2 n.1)—that the parties are not yet in agreement, and are continuing to meet and confer, as to the confidentiality of the exhibits identified in Appendix B.

The timing of the Motion was set in the Joint Confidentiality Protocol, approved by the Court on September 12, 2023 (Dkt. 187). The Motion makes clear that the requested sealing is *subject to* the parties’ ongoing meet-and-confers. Accordingly, there are no issues ripe for the Court’s consideration and it would be inefficient for the Court and the parties to engage in any further motion practice or briefing while the parties meet and confer. Defendants remain committed to working cooperatively with Plaintiffs to address the trial exhibits identified in

Appendix B with the goal of reaching agreement as to all exhibits subject to the Joint Protocol for Party Documents, or at the very least, to significantly narrow the issues for the Court's input.

Dated: October 12, 2023

Respectfully submitted,

/s/ Elizabeth M. Wright

Zachary R. Hafer (MA BBO #569389)  
Elizabeth M. Wright (MA BBO #569387)  
Zachary Sisko (MA BBO #705883)  
Cooley LLP  
500 Boylston Street, 14th Floor  
Boston, MA 02116-3736  
Tel: 617-937-2300  
zhafer@cooley.com  
ewright@cooley.com  
zsisko@cooley.com

Ethan Glass (*Pro Hac Vice*)  
Deepti Bansal (*Pro Hac Vice*)  
Matt K. Nguyen (*Pro Hac Vice*)  
Cooley LLP  
1299 Pennsylvania Avenue NW, Suite 700  
Washington, DC 2004-2400  
Tel: 202-842-7800  
Fax: 202-842-7899  
eglass@cooley.com  
dbansal@cooley.com  
mnguyen@cooley.com

Michael Mitchell  
Shearman & Sterling LLP  
401 9th St. NW  
Suite 800  
Washington, DC 20004  
(202) 508-8000  
michael.mitchell@shearman.com

Jessica K. Delbaum  
Leila R. Siddiky  
Richard F. Schwed  
Shearman & Sterling LLP  
599 Lexington Avenue  
New York, NY 10022  
(212) 848-4000  
jessica.delbaum@shearman.com

leila.siddiky@shearman.com  
richard.schwed@shearman.com

Rachel Mossman Zieminski  
Shearman & Sterling LLP  
2601 Olive St, 17th Floor  
Dallas, TX 75201  
(214) 271-5777  
Rachel.Zieminski@Shearman.com

Ryan A. Shores  
Daniel P. Culley  
David I Gelfand  
Cleary Gottlieb Steen & Hamilton LLP  
2112 Pennsylvania Avenue, NW  
Washington, DC 20037  
(202) 974-1876  
Fax: (202) 974-1999  
rshores@cgsh.com  
dculley@cgsh.com  
dgelfand@cgsh.com

*Attorneys for JetBlue Airways Corporation*

/s/ Samuel N. Rudman  
Samuel N. Rudman (MA BBO #698018)  
Choate, Hall & Stewart LLP  
Two International Place  
Boston, MA 02110  
Telephone: +1 617 248 4034  
srudman@choate.com

/s/ Andrew C. Finch  
Andrew C. Finch (*Pro Hac Vice*)  
Eyitayo St. Matthew-Daniel (*Pro Hac Vice*)  
Jay Cohen (*Pro Hac Vice*)  
Jared P. Nagley (*Pro Hac Vice*)  
Kate Wald (*Pro Hac Vice*)  
Paul, Weiss, Rifkind, Wharton & Garrison  
LLP  
1285 Avenue of the Americas  
New York, NY 10019  
Tel: 212-373-3000  
Fax: 212-757-3990  
afinch@paulweiss.com  
tstmatthewdaniel@paulweiss.com

jcohen@paulweiss.com  
jnagley@paulweiss.com  
kwald@paulweiss.com

Meredith R. Dearborn (*Pro Hac Vice*)  
Paul, Weiss, Rifkind, Wharton & Garrison  
LLP  
535 Mission Street, 24th Floor  
San Francisco, CA 94105  
Tel: 628-432-5100  
Fax: 628-232-3101  
mdearborn@paulweiss.com

*Attorneys for Defendant Spirit Airlines, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed through the ECF system on October 12, 2023, and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Elizabeth M. Wright  
Elizabeth M. Wright